

## **REMARKS/ARGUMENTS**

The Applicant acknowledges, with thanks, the office action dated March 24, 2008. This amendment is responsive to the March 24, 2008 Office Action.

By this amendment claims 34 – 38 were canceled without prejudice or disclaimer. Claims 39 – 43 are new. The subject matter of claims 39 – 43 are not new matter as it is disclosed in Figs. 3- 5 of the original specification (see also page 15 line 2 – page 16 line 9).

### **Substance of Interview**

The applicant would like to thank the examiner for the interview granted on June 11, 2008. Attending the interview were the examiner and the undersigned, the applicant's representative. No exhibits were shown or demonstrations were conducted. Claim 1 was discussed and compared with Bridgelall (US2002/008516), Mohammed (US2003/0119548) and Leedom Jr. (US2001/0036835). The applicant indicated support for the claimed subject matter in the specification and explained the distinguishable features of the VoIP system contrasted with the aforementioned prior art references. The examiner made suggestions for amending the claims; however, no agreement was reached on the claims.

### **Non-Art Matters**

Claims 1, 14, and 34 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically the examiner did not find support for which transceiver sends the signal to initiate call re-route. Withdrawal of this rejection is requested as was pointed out during the above mentioned interview the specification discloses the aforementioned limitations on page 16, lines 19-20; page 16 line 23 – page 17 line; and page 17 lines 16-17 of the original specification.

### **Prior Art Rejections**

Claims 1-9, 14-19, and 34-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0085516 to Bridgelall (*hereinafter*, “Bridgelall”) in view of U.S. Patent Publication No. 2001/0010689 to Awater et al. (*hereinafter*, “Awater”), U.S. Patent Publication No. 2003/0119548 to Mohammed (*hereinafter*, “Mohammed”), and U.S. Patent Publication No. 2001/0036835 to Leedom, Jr. (*hereinafter*, “Leedom”). Withdrawal of these rejections is requested for reasons that will now be set forth.

Independent claim 39 recites a system comprising a network, a telephone controller coupled to the network, a wireless local area network access point coupled to the network and configured to communicate with the telephone controller via the network. The system further comprises a wireless handset, and a base station coupled to the network and configured to communicate with the telephone controller via the network; the base station is further configured to wirelessly communicate with the wireless handset. The wireless handset is configured to wirelessly communicate with the base station using a first protocol and to wirelessly communicate with the wireless local area access point using a second protocol. The wireless handset is configured to communicate with the base station when the wireless handset detects the base station; otherwise the wireless handset communicates with the wireless local area network access point. The wireless handset transmits a first message for the telephone controller that is sent via the wireless local area network access point to instruct the telephone controller to direct communications for the wireless handset through the wireless local area network access point responsive to the wireless handset being unable to detect the base station. Furthermore, the wireless handset transmits a second message for the telephone controller that is sent via the base station to instruct the telephone controller to direct communications for the wireless handset through the base station responsive to detecting the base station. Independent claim 1 recites the wireless handset described in claim 39 and independent claim recites a method of operation for the wireless handset described in independent claim 39.

By contrast, the transceiver currently communicating with the controller, not the transceiver taking over the call, initiates the transfer in Bridgelall. For example, when switching from the WWAN to the WLAN, Bridgelall states that the WWAN initiates the transfer to the WLAN (§ 69; *cf.* Abstract). Upon receiving the transfer request, the WWAN checks whether the

gateway connected to the WLAN radio is registered (§ 70). The WLAN radio then verifies the caller ID is from the WWAN radio (§ 71). The network issues a signal confirming to the WWAN radio that it is transferring the call and dropping the WWAN connection (§ 72). At this point the WLAN AP begins queuing VoIP voice samples while it waits for the WLAN connection to be established (*Id.*). The WWAN radio acknowledges the transfer and the WLAN radio establishes a connection, whereupon the queued voice samples are released (§§ 73-74). It should also be noted the waiting periods in Mohammed are not present in the embodiments recited in claims 1, 14 and 39 because the base station and AP are connected to the same network, the telephone controller merely re-routes the packets. The telephone controller does not have to initiate call transfers, etc. because the base station and AP are connected to the same network and same call controller.

Moreover, Bridgelall performs a similar process when switching from the WLAN to the WWAN (*see* §§ 77-83; *cf.* Abstract). The WLAN notifies the gateway to initiate a transfer to the WWAN radio. Similarly, the WWAN checks if the WWAN radio is registered on the network, notifies the WLAN radio the connection is being terminated and queues VoIP packets until the WWAN radio establishes communication with the network.

The aforementioned deficiencies of Bridgelall are not remedied by any teaching of Atwater. Atwater is directed to a device that has a Bluetooth Transceiver and an 802.11 transceiver, but does not teach or suggest sending a signal to a controller on the network that instructs the controller how to send packets (such as VoIP packets) to the handset. Thus, neither Bridgelall nor Atwater, alone or in combination teach or suggest each and every element of independent claims 1, 14 and 39. Therefore, independent claims 1, 14 and 39 are not obvious in view of Bridgelall and/or Atwater.

The aforementioned deficiencies in Bridgelall and Atwater are not remedied by any teaching of Mohammed. In Mohammed, the network infrastructure performs the handoff (*see* paragraphs 59-59), not the wireless handset (*see e.g.* § 59, “System server 24 ... contacts the cellular network to initiate a call to the landline associated with the base station 18” and § 68 “base station may notify the system server 24 to initiate a handoff to the licensed wireless system”). Mohammed, like Bridgelall, initiates the new connection will still maintaining the old connection (*e.g.* a make before break) during call transfer (*see e.g.* § 63 “The spacing between

boundaries B3 and B4 allows for the establishment of simultaneous connections between the subscriber device 12 and both the licensed network and the unlicensed network”). Thus, neither Bridgelall, Atwater nor Mohammed, alone or in combination teach or suggest each and every element of independent claims 1, 14 and 39. Therefore, independent claims 1, 14 and 39 are not obvious in view of Bridgelall, Atwater, and/or Mohammed.

The aforementioned deficiencies in Bridgelall, Atwater and Mohammed are not remedied by any teaching of Leedom. Leedom teaches away from claims 1, 14 and 39 as Leedom teaches that the Universal System Traffic Controller (21 in Fig 1), not the wireless handset, transitions communications between different systems and protocols (*see e.g.* ¶ 43 “The universal traffic controller 21 operates to overcome the deficiencies noted and to seamlessly transition a communications between cellular communication systems using differing infrastructure and operating characteristics such as modulation, protocol, or system control information data format.”; *see also* Abstract and ¶¶ 44 - 46).

Thus, neither Bridgelall, Atwater, Mohammed nor Leedom, alone or in combination teach or suggest each and every element of independent claims 1, 14 and 39. Therefore, independent claims 1, 14 and 39 are not obvious in view of Bridgelall, Atwater, Mohammed, and/or Leedom.

Claims 2-9 directly depend from claim 1 and therefore contain each and every element of claim 1. Thus, claims 2-9 are not obvious in view of the combination of Bridgelall, Atwater, Mohammed and/or Leedom for the reasons already set forth for claim 1.

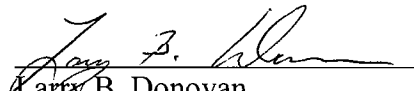
Claims 15-19 directly depend from claim 14 and therefore contain each and every element of claim 14. Thus, claims 15-19 are not obvious in view of the combination of Bridgelall, Atwater, Mohammed and/or Leedom for the reasons already set forth for claim 14.

### Conclusion

Withdrawal of the rejections to this application is requested for the reasons set forth herein. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/30267.

Respectfully submitted,

Date: 6-16-2008

  
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